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AO 91 (Rev. 11/11) Criminal Complaint

Agent:

AUSA: Susan Fairchild
Jason EbenhackTelephone: (313)226-9577
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UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Juan Gabriel LOPEZ-SILVA

Case:2:19-mj-30653

Judge: Unassigned,

Filed: 12-13-2019 At 12:34 PM

USA V LOPEZ-SILVA (CMP)(CMC)

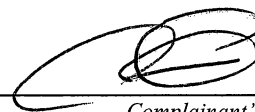
CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 29, 2019 in the county of Oakland in the
Eastern District of Michigan, the defendant(s) violated:*Code Section*Title 8, United States Code, Section 1326(a)
Title 18, United States Code, Section 111(a)(1)*Offense Description*Unlawful Re-entry after Removal from the United States
Assaulting, Resisting, or Impeding Certain Officers or Employees.

This criminal complaint is based on these facts:

On or about November 29, 2019, at or near Waterford, Michigan, in the Eastern District of Michigan, Southern Division, Juan Gabriel LOPEZ-SILVA, an alien from Mexico, was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about June 11, 2019, at or near Brownsville, Texas, and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326(a) and did forcibly assault, resist, oppose, impede, intimidate, and interfere with a person designated in Section 1114 of Title 18, United States Code, who was engaged in, and on account of, performance of official duties, all violation of Section 111(a)(1) of Title 18, United States Code.

☒ Continued on the attached sheet.

Complainant's signature

Jason Ebenhack, Border Patrol Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: December 13, 2019City and state: Detroit, Michigan

Judge's signature

R. Steven Whalen, United States Magistrate Judge

Printed name and title

AFFIDAVIT

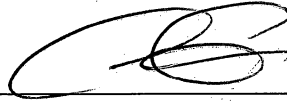
I, Jason Ebenhack, declare the following under penalty of perjury:

1. I am a Border Patrol agent with the United States Department of Homeland Security, United States Border Patrol (USBP), having been employed in this capacity since August of 2001. Currently, I am assigned to the Marysville Border Patrol Station. The facts set forth herein are based upon my personal knowledge as well as information provided by other law enforcement officers to include Border Patrol agents and record checks of law enforcement databases. I have also reviewed the official Immigration file and system automated data relating to Juan Gabriel LOPEZ-SILVA, which attests to the following:
2. LOPEZ-SILVA is a forty-three year old male, native and citizen of Mexico, who last entered the United States at an unknown place, on an unknown date without being admitted, inspected or paroled by an Immigration Officer.
3. On or about February 10, 2001, LOPEZ-SILVA was encountered by Border Patrol near Douglas, Arizona, while attempting to illegally enter the country from Mexico. LOPEZ-SILVA was granted a Voluntary Return to Mexico for that arrest.
4. On or about February 15, 2001, LOPEZ-SILVA was encountered by Border Patrol near Douglas, Arizona, while attempting to illegally enter the country from Mexico. LOPEZ-SILVA was granted a Voluntary Return to Mexico for that arrest.
5. On or about March 10, 2001, LOPEZ-SILVA was encountered by Border Patrol near Otay Mesa, California, while attempting to illegally enter the country from Mexico. LOPEZ-SILVA was granted a Voluntary Return to Mexico for that arrest.
6. On or about March 15, 2001, LOPEZ-SILVA was encountered by Border Patrol near Campo Mesa, California, while attempting to illegally enter the country from Mexico. LOPEZ-SILVA was granted a Voluntary Return to Mexico for that arrest.
7. On or about March 17, 2001, LOPEZ-SILVA was encountered by Border Patrol near Boulevard, California, while attempting to illegally enter the

country from Mexico. LOPEZ-SILVA was granted a Voluntary Return to Mexico for that arrest.

8. On or about September 17, 2012, LOPEZ-SILVA was convicted in the 52-3 District Court, Rochester Hills, MI, for the offense of Fail to Display Valid License and sentenced to 35 days in jail.
9. On September 24, 2012, LOPEZ-SILVA was taken into custody by Detroit ICE agents after being released from the Oakland County Jail. LOPEZ-SILVA was ordered removed by an Immigration Judge in Detroit, MI on November 21, 2012. On November 27, 2012, LOPEZ-Silva was removed to Mexico thru Laredo, Texas.
10. On February 2, 2013, LOPEZ-SILVA was encountered by Border Patrol near Naco, Arizona, while attempting to illegally enter the country from Mexico. LOPEZ-SILVA was processed for a re-instatement under his previous removal order. February 7, 2013, LOPEZ-SILVA was removed to Mexico thru Calexico, California.
11. On or about March 1, 2019, LOPEZ-SILVA was encountered by the ICE Fugitive Operations Group in Waterford, Michigan. LOPEZ-SILVA was processed as a Re-Instatement of his prior removal and prosecuted for 8 U.S.C. §1326. On May 8, 2019, LOPEZ-SILVA was convicted of 8 U.S.C. §1326 and sentenced to 3 months' in jail. On June 11, 2019, LOPEZ-Silva was removed to Mexico through Brownsville, Texas.
12. On or about November 29, 2019, LOPEZ-SILVA was encountered by Marysville Border Patrol Agents in Waterford, Michigan. Agents identified LOPEZ-SILVA using photographs they had from an intelligence report. LOPEZ-SILVA jumped from a moving vehicle and fled on foot. Border Patrol Agent Goff caught up to LOPEZ-SILVA and a struggle ensued. LOPEZ-SILVA struck Agent Goff three times, attempted to bite him, threatened his life, and twisted his wrist causing injury needing medical treatment. This is not a statement of all relevant facts concerning the assault and arrest. LOPEZ-SILVA escaped from Agent Goff on foot, and is currently at-large. At all relevant times, Agent Goff was engaged in the performance of official duties and was a person designated in section 1114 of Title 18, United States Code, ie., a federal officer and employee.

13. The aforementioned attempted arrest was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any alien entering or attempting to enter the United States, or any alien present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of aliens.
14. A review of the Alien File (A# xxx xxx 164) for Juan Gabriel LOPEZ-SILVA and queries in U.S. Border Patrol computer databases confirm no record exists of LOPEZ-SILVA obtaining permission from the Attorney General or the Secretary of the Department of Homeland Security to re-enter the United States following his removal on June 11, 2019.
15. Based upon the foregoing, there is probable cause to believe that on November 29, 2019, LOPEZ-SILVA did forcibly assault, resist, oppose, impede, intimidate, and interfere with Agent Goff, a person designated in Section 1114 of Title 18, United States Code, while Agent Goff was engaged in, and on account of, performance of official duties, all violation of Section 111(a)(1) of Title 18, United States Code.
16. Based upon the foregoing, there is probable cause to conclude that LOPEZ-SILVA, is an alien who was found in the United States after removal, without the express permission from the Attorney General of the United States or from the Secretary of the Department of Homeland Security to re-apply for admission into the United States in violation of Title 8, United States Code, Section 1326(a).
17. Based on the above information, I believe that LOPEZ-SILVA is viable for chargers under both 8 U.S.C. §1326(a) Unlawful Re-entry after Removal from the United States and 18 U.S.C. §111(a)(1) Assaulting, Resisting, or Impeding Certain Officers or Employees.



Jason Ebenhack, Border Patrol Agent
U.S. Department of Homeland Security

Sworn to before me and signed in my
presence and/or by reliable electronic means.



R. Steven Whalen
United States Magistrate Judge

DEC 13 2019